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14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 PHILLIP FORMAN, an individual,

17 Plaintiff,

18 vs.

19 UNITED HEALTH PRODUCTS, INC., a
20 Nevada domestic corporation; and
21 DOUGLAS K. BEPLATE, an individual,

22 Defendants.

23 Case no. 2:19-cv-519-GMN-VCF

24 **Stipulation and Order for
25 Extension of Time to File Joint
26 Pre-trial Order
27 (Third Request)**

28 Defendants, United Health Products, Inc. and Douglas K. Beplate, by and
through their attorneys, Frank H. Cofer III, Esq. of the law firm of Cofer & Geller,
LLC and Howard R. Birnbach, Attorney at Law, and Plaintiff, Phillip Forman, by
and through his attorneys, the law firms of Marquis Aurbach and Carmel, Milazzo
& Feil, LLP, hereby stipulate as follows:

Summary of Relief Requested

This stipulation is a (third) request to extend the current deadline to file a joint pre-trial Order. Currently, the joint pre-trial Order is due to be filed on **April 4, 2022**. The parties are respectfully requesting a thirty (30) day extension, so that the joint pre-trial Order will become due on **May 4, 2022**.

Local Rule IA 6-1(a) provides:

A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted. A request made after the expiration of the specific period will not be granted unless the movant or attorney demonstrates that the failure to file the motion before the deadline expired was the result of excusable neglect. Immediately below the title of the motion or stipulation there also must be a statement indicating whether it is the first, second, third, etc. requested extension[.]

The joint pre-trial Order is currently due to be filed on April 4, 2022. The parties are respectfully requesting an extension of thirty (30) days, bringing the due date up to and including May 4, 2022. The reasons for the instant request are as follows. First, while some of the issues for trial have been simplified following this Honorable Court's Decision and Order on each parties' motion for summary judgment, there still remains a complexity of factual matters with respect to claims which were not subjects of either motion for summary judgment, including which of the purported facts are legitimately contested or uncontested. The parties are still working on resolving these issues and are negotiating which facts are admitted without proof, which will not be contested with evidence, and which are to be tried and decided. In addition, the parties require more time to set forth their objections to the depositions.

Since the granting of the previous extension, the plaintiff has submitted a detailed proposed pre-trial order which will require more time for defendants to finalize. In addition, the parties have engaged in additional settlement

negotiations. Defense counsel believes that the additional extension sought will facilitate settlement of the case by reserving contentious issues raised by the pre-trial order until such time as continuing negotiations are no longer productive.

Accordingly, the parties respectfully request that the due date for the filing of the joint pre-trial order be extended by thirty (30) days from April 4, 2022 to May 4, 2022.

Dated this 4th day of April, 2022.

HOWARD R. BIRNBACH

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IT IS SO ORDERED.

Dated this 4 day of April, 2022.


Gloria M. Navarro, District
UNITED STATES DISTRICT